

EXHIBIT A

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 20DK-CC00038
)	
SCHNEIDER ELECTRIC, USA, INC.,)	
AND)	
DAVID E. WARREN,)	
)	
Defendants.)	

**DEFENDANTS SCHNEIDER ELECTRIC, USA, INC. AND DAVID E. WARREN'S
NOTICE TO STATE COURT OF REMOVAL TO FEDERAL COURT**

You are hereby notified that on January 13, 2021, Defendants Schneider Electric, USA, Inc. and David E. Warren removed this case to the United States District Court for the Western District of Missouri pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. A copy of the notice of removal is attached hereto as Exhibit 1.

Respectfully submitted,

BAKER STERCHI COWDEN & RICE, L.L.C.

/s/ James S. Kreamer

James S. Kreamer, Esq. MO #39682

Brett M. Simon, Esq. MO #68395

2400 Pershing Road, Suite 500

Kansas City, MO 64108

Telephone: (816) 471-2121

Facsimile: (816) 472-0288

kreamer@bscr-law.com

bsimon@bscr-law.com

**ATTORNEYS FOR DEFENDANTS SCHNEIDER
ELECTRIC, USA, INC. and DAVID E. WARREN**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of January, 2021, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court, using the Court's electronic filing system, which will send notification of the following to all counsel of record.

/s/ James S. Kreamer

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 20DK-CC00038
)	
SCHNEIDER ELECTRIC, USA, INC,)	
and DAVID E. WAREN)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

COMES NOW Plaintiff, by and through her attorney of record, and hereby certifies that Plaintiff's Opening Interrogatories to Defendant David E. Warena Plaintiff's First Request for Production of Documents to Defendant David E. Warena were served simultaneously with the Summons and Plaintiff's Petition for Damages.

Respectfully Submitted,

WELCH & WEBB, LLC

/s/ Pamela J. Welch

Jared P. Welch #51860
Pamela J. Welch #52821
500 Third Street, P.O. Box 1427
Platte City, MO 64079
816-858-3007 telephone
816-858-3105 facsimile
jwelch@welchwebb.com
pwelch@welchwebb.com
Attorneys for Plaintiff



IN THE 43RD JUDICIAL CIRCUIT, DEKALB COUNTY, MISSOURI

Judge or Division: RYAN WESLEY HORSMAN	Case Number: 20DK-CC00038
Plaintiff/Petitioner: SKYLAR D KOONTZ	Plaintiff's/Petitioner's Attorney/Address: PAMELA JANE WELCH WELCH & WEBB, LLC 500 THIRD ST PO BOX 1427 PLATTE CITY, MO 64079
Defendant/Respondent: SCHNEIDER ELECTRIC USA INC	Court Address: 109 W MAIN P O BOX 248 MAYSVILLE, MO 64469
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: DAVID E WAREN
Alias:

7727 ACUFF LANE
LENEXA, KS 66216

COURT SEAL OF



DEKALB COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

December 2, 2020

Date

Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☒ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at 7727 Acuff Lane, Lenexa, Kansas 66216 (address)
in Johns County, Kansas (state), on December 30, 2020 (date) at 4:04 P.M. (time).

Jeff Fawcett

Printed Name of Sheriff or Server

Subscribed and sworn to before me this 30th (day) December (month) 2020 (year).

I am, (check one) ☐

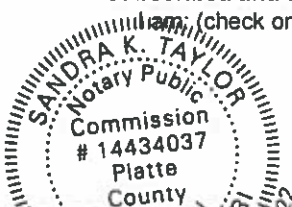
☐ the clerk of the court of which affiant is an officer.

☐ the judge of the court of which affiant is an officer.

☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)

☒ authorized to administer oaths. (use for court-appointed server)

(Seal)



Sandra K. Taylor
Signature and Title

Service Fees

Summons

Non Est

Mileage

Total

\$ _____
\$ _____
\$ _____
\$ _____

(_____ miles @ \$ _____ per mile)

See the following page for directions to officer making return on service of summons.

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,

Plaintiff,

vs.

SCHNEIDER ELECTRIC, USA, INC,
and DAVID E. WAREN

Defendants.

Case No.: 20DK-CC00038

CERTIFICATE OF SERVICE

COMES NOW Plaintiff, by and through her attorney of record, and hereby certifies that Plaintiff's Opening Interrogatories to Defendant Schneider Electric, USA, Inc. and Plaintiff's First Request for Production of Documents to Defendant

Schneider Electric, USA, Inc. were served simultaneously with the Summons and Plaintiff's Petition for Damages.

Respectfully Submitted,

WELCH & WEBB, LLC

/s/ Pamela J. Welch

Jared P. Welch #51860

Pamela J. Welch #52821

500 Third Street, P.O. Box 1427

Platte City, MO 64079

816-858-3007 telephone

816-858-3105 facsimile

jwelch@welchwebb.com

pwelch@welchwebb.com

Attorneys for Plaintiff



IN THE 43RD JUDICIAL CIRCUIT, DEKALB COUNTY, MISSOURI

Judge or Division: RYAN WESLEY HORSMAN	Case Number: 20DK-CC00038
Plaintiff/Petitioner: SKYLAR D KOONTZ	Plaintiff's/Petitioner's Attorney/Address PAMELA JANE WELCH WELCH & WEBB, LLC 500 THIRD ST PO BOX 1427 PLATTE CITY, MO 64079
Defendant/Respondent: SCHNEIDER ELECTRIC USA INC	Court Address: 109 W MAIN P O BOX 248 MAYSVILLE, MO 64469
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: SCHNEIDER ELECTRIC USA INC
Serve: CSC-Lawyers, Inc. Service Co.

221 BOLIVAR
JEFFERSON CITY, MO 65101

COURT SEAL OF



DEKALB COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

December 2, 2020

Date

Chris Whitman

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:
LAUREN SHIPLEY (name) Authorized Agent (title)

☐ other: _____
Served at 221 Bolivar St. Jefferson City Mo. (address)
in CO. (County/City of St. Louis), MO, on 12-15-20 (date) at 11:20 AM (time).

Rufus R. Harmon

Printed Name of Sheriff or Server

Rufus R. Harmon

Signature of Sheriff or Server

DONNA R. MEYER

Notary Public - Notary Seal

STATE OF MISSOURI

Commissioned for Cole County

Commission No. 13435325 My commission expires: 03-08-2021

My Commission Expires 3/3/2021

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on 12-20-2020 (date).

Date

Donna R. Meyer

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ _____
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,
9028 N Walrond Ave.
Kansas City, MO 64156

Plaintiff,

vs.

SCHNEIDER ELECTRIC, USA, INC
Serve:
CSC-LAWYERS INC. SERVICE CO.
221 Bolivar
Jefferson City, MO 65101

and

DAVID E. WAREN
Serve:
7727 Acuff Lane
Lenexa, KS 66216

Defendants.

FILED
12/14/2020
JULIE WHITSELL
CIRCUIT CLERK
DEKALB COUNTY, MO

Case No.: 20DK-CC00038


Division: 1

ORDER

NOW on this 11th day of December, 2020, the court takes up and considers Plaintiff's Motion for Special Process Server and the court finds that the same should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that Rufus Harmon with Harmon Legal Process Service, 1927 Timber Road, Jefferson City, Missouri; and Jeff Faudere, 920 Main Street, Kansas City, Missouri, be and are hereby authorized to serve as special process servers in this cause.




Judge

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,
9028 N Walrond Ave.
Kansas City, MO 64156

Plaintiff,

vs.

SCHNEIDER ELECTRIC, USA, INC
Serve:
CSC-LAWYERS INC. SERVICE CO.
221 Bolivar
Jefferson City, MO 65101

and

DAVID E. WAREN
Serve:
7727 Acuff Lane
Lenexa, KS 66216

Defendants.

Case No.:

Division:

ORDER

NOW on this _____ day of _____, 2020, the court takes up and considers Plaintiff's Motion for Special Process Server and the court finds that the same should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that Rufus Harmon with Harmon Legal Process Service, 1927 Timber Road, Jefferson City, Missouri; and Jeff Faudere, 920 Main Street, Kansas City, Missouri, be and are hereby authorized to serve as special process servers in this cause.

Judge

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,)	
9028 N Walrond Ave.)	
Kansas City, MO 64156)	
)	
Plaintiff,)	
)	
vs.)	
)	
SCHNEIDER ELECTRIC, USA, INC)	Case No.:
Serve:)	
CSC-LAWYERS INC. SERVICE CO.)	
221 Bolivar)	
Jefferson City, MO 65101)	Division:
)	
and)	
)	
DAVID E. WARREN)	
Serve:)	
7727 Acuff Lane)	
Lenexa, KS 66216)	
)	
Defendants.)	

MOTION FOR SPECIAL PROCESS SERVER

COMES NOW Plaintiff and for her Motion for Special Process Server and pursuant to the Local Rules of the Dekalb County Circuit Court, requests that this court appoint Rufus Harmon with Harmon Legal Process Service, 1927 Timber Road, Jefferson City, Missouri; and Jeff Faudere, 920 Main Street, Kansas City, Missouri, as special process servers in this cause. Rufus Harmon and Jeff Faudere are over the age of eighteen (18) years and not parties to this case.

WHEREFORE, Plaintiff moves this Court to appoint Rufus Harmon and Jeff Faudere as special process servers for the purpose of serving Defendants in this case.

Respectfully Submitted,

WELCH & WEBB, LLC

/s/ Pamela J. Welch

Pamela J. Welch #52821

Jared P. Welch #51860

500 Third St., P.O. Box 1427

Platte City, MO 64079

816-858-3007 telephone

816-858-3105 facsimile

pwelch@welchwebb.com

jwelch@welchwebb.com

Attorneys for Plaintiff




IN THE 43RD JUDICIAL CIRCUIT, DEKALB COUNTY, MISSOURI

Judge or Division: RYAN WESLEY HORSMAN	Case Number: 20DK-CC00038
Plaintiff/Petitioner: SKYLAR D KOONTZ	Plaintiff's/Petitioner's Attorney/Address: PAMELA JANE WELCH WELCH & WEBB, LLC 500 THIRD ST PO BOX 1427 PLATTE CITY, MO 64079
Defendant/Respondent: SCHNEIDER ELECTRIC USA INC	Court Address: 109 W MAIN P O BOX 248 MAYSVILLE, MO 64469
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: DAVID E WAREN
Alias:
7727 ACUFF LANE
LENEXA, KS 66216

COURT SEAL OF

DEKALB COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

December 2, 2020 _____
Date Clerk

Further Information: _____

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
Non Est \$ _____
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.


Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 43RD JUDICIAL CIRCUIT, DEKALB COUNTY, MISSOURI

Judge or Division: RYAN WESLEY HORSMAN	Case Number: 20DK-CC00038	(Date File Stamp)
Plaintiff/Petitioner: SKYLAR D KOONTZ	Plaintiff's/Petitioner's Attorney/Address PAMELA JANE WELCH WELCH & WEBB, LLC 500 THIRD ST PO BOX 1427 PLATTE CITY, MO 64079	
Defendant/Respondent: SCHNEIDER ELECTRIC USA INC	Court Address: 109 W MAIN P O BOX 248 MAYSVILLE, MO 64469	
Nature of Suit: CC Pers Injury-Vehicular		

Summons in Civil Case

The State of Missouri to: SCHNEIDER ELECTRIC USA INC 221 BOLIVAR JEFFERSON CITY, MO 65101  DEKALB COUNTY	Serve: CSC-Lawyers, Inc. Service Co. <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>December 2, 2020 _____ Date Clerk</p> <p>Further Information: _____</p>
--	---

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,
9028 N Walrond Ave.
Kansas City, MO 64156

Plaintiff,

vs.

SCHNEIDER ELECTRIC, USA, INC
Serve:
CSC-LAWYERS INC. SERVICE CO.
221 Bolivar
Jefferson City, MO 65101

Case No.:

Division:

and

DAVID E. WARREN
Serve:
7727 Acuff Lane
Lenexa, KS 66216

Defendants.

ORDER

NOW on this _____ day of _____, 2020, the court takes up and considers Plaintiff's Motion for Special Process Server and the court finds that the same should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that Harmon Legal Process Service, 1927 Timber Road, Jefferson City, Missouri; and Jeff Faudere, 920 Main Street, Kansas City, Missouri, be and are hereby authorized to serve as special process servers in this cause.

Judge

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,)	
9028 N Walrond Ave.)	
Kansas City, MO 64156)	
)	
Plaintiff,)	
)	
vs.)	
)	
SCHNEIDER ELECTRIC, USA, INC)	Case No.:
Serve:)	
CSC-LAWYERS INC. SERVICE CO.)	
221 Bolivar)	
Jefferson City, MO 65101)	Division:
)	
and)	
)	
DAVID E. WARREN)	
Serve:)	
7727 Acuff Lane)	
Lenexa, KS 66216)	
)	
Defendants.)	

MOTION FOR SPECIAL PROCESS SERVER

COMES NOW Plaintiff and for her Motion for Special Process Server and pursuant to the Local Rules of the Dekalb County Circuit Court, requests that this court appoint Harmon Legal Process Service, 1927 Timber Road, Jefferson City, Missouri; and Jeff Faudere, 920 Main Street, Kansas City, Missouri, as special process servers in this cause. Harmon Legal Process Service and Jeff Faudere are over the age of eighteen (18) years and not parties to this case.

WHEREFORE, Plaintiff moves this Court to appoint Harmon Legal Process Service and Jeff Faudere as special process servers for the purpose of serving Defendants in this case.

Respectfully Submitted,

WELCH & WEBB, LLC

/s/ Pamela J. Welch

Pamela J. Welch #52821

Jared P. Welch #51860

500 Third St., P.O. Box 1427

Platte City, MO 64079

816-858-3007 telephone

816-858-3105 facsimile

pwelch@welchwebb.com

jwelch@welchwebb.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF DEKALB COUNTY, MISSOURI

SKYLAR D. KOONTZ,
9028 N Walrond Ave.
Kansas City, MO 64156

Plaintiff,

vs.

SCHNEIDER ELECTRIC, USA, INC
Serve:
CSC-LAWYERS INC. SERVICE CO.
221 Bolivar
Jefferson City, MO 65101

Case No.:

Division:

and

DAVID E. WAREN
Serve:
7727 Acuff Lane
Lenexa, KS 66216

Defendants.

PETITION FOR DAMAGES

COMES NOW Plaintiff Skylar D. Koontz, by and through counsel, and for her cause of actions against Defendants, Schneider Electric, USA, Inc. & David E. Waren, states and alleges as follows:

1. Plaintiff Skylar D. Koontz is an individual resident and citizen of the State of Missouri.
2. Defendant Schneider Electric, USA, Inc. (hereinafter "Schneider Electric") is a foreign corporation with its principal place of business in Boston, Massachusetts, but authorized to do business in the State of Missouri and can be served with process by serving its registered agent CSC-Lawyers Incorporating Service Company, 221 Bolivar, Jefferson City, MO 65101.

3. Defendant David E. Waren (hereinafter “Waren”) is an individual resident and citizen of the State of Kansas.

4. At all times herein, Defendant Waren was operating a motor vehicle within the course and scope of his employment with Defendant Schneider Electric.

5. Plaintiff’s claims arise out of an automobile crash (sometimes referred to as the “crash” herein) occurring in Dekalb County, Missouri. The Dekalb County Circuit Court is a court of proper jurisdiction and venue to hear Plaintiff’s claims.

6. Jurisdiction and venue are proper in Dekalb County, Missouri pursuant to § 508.010 R.S.M.O., in that Plaintiff first sustained injury as a result of Defendants’ negligence in this county.

ALLEGATIONS COMMON TO ALL COUNTS

7. At approximately 1:29 p.m. on July 24, 2017 Plaintiff was the restrained driver of a 2006 Volkswagen Jetta motor vehicle (sometimes referred to as “Plaintiff’s vehicle” herein.)

8. Plaintiff’s vehicle was stopped at a stop sign at northbound RP 3667 waiting for traffic to clear in order to turn east onto US 36 Highway.

9. Defendant Waren was the operator of a 2017 Ford Fusion motor vehicle (sometimes referred to as “Defendant’s vehicle” herein).

10. Defendant Waren’s vehicle was owned by Defendant Schneider Electric and Defendant Waren was operating the vehicle in the course and scope of his employment with Schneider Electric.

11. At approximately the same time and place, Defendant Waren was traveling behind Plaintiff’s vehicle north on RP 3667 when Defendant Waren failed to slow or stop and

slammed into the rear of Plaintiff's vehicle while she was stopped at the stop sign, causing injuries to her.

COUNT I: NEGLIGENCE AGAINST DEFENDANT SCHNEIDER ELECTRIC

COMES NOW Plaintiff Skylar D. Koontz, by and through counsel, and for Count I of her Petition for Damages, hereby states and alleges as follows:

12. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 11 above as if fully set forth herein.

13. That the Defendant, Schneider Electric, operating by and through its employee, agent and servant, Defendant Waren, owed Plaintiff a duty to operate his vehicle with the highest degree of care, but Defendant Waren failed to do so, and Defendant Schneider Electric, as his master and/or pursuant to vicarious liability, was therefore negligent, reckless, and careless in the following respects:

- a. Defendant Waren failed to operate the 2017 Ford Fusion motor vehicle in a careful and prudent manner;
- b. Defendant Waren failed to failed to exercise the highest degree of care when he knew, or should have known, that there was a reasonable likelihood of a collision in time to thereafter have stopped, swerved, or slackened speed, but Defendant Waren failed to do so;
- c. Defendant Waren was following Plaintiff's vehicle too closely and was unable to slow or stop in time to avoid colliding with the rear of Plaintiff's vehicle.

d. Defendant Waren was distracted and or inattentive as he was operating the motor vehicle;

e. Defendant Waren drove the front of Defendant Schneider Electric's vehicle into the rear of Plaintiff's vehicle; and

f. Defendant Schneider Electric was negligent in failing to properly hire, train, and supervise its employees, agents, and servants in the proper operation of vehicles its owned.

14. That as a direct and proximate cause of Defendant Schneider Electric's negligence, Plaintiff has suffered personal injuries including but not limited to her head, neck, back and has experienced migraines, fatigue, sensitivity to light, mood swings, and difficulty with concentration together with pain and suffering, mental anguish, medical costs, loss of sleep, and loss of enjoyment of life, said injuries being permanent, progressive, and continuous in nature.

15. That as a further direct and proximate result of Defendant Schneider Electric's negligence as set forth above, Plaintiff incurred medical expenses and treatment and is reasonably certain to incur future additional losses as well as ongoing pain and suffering.

WHEREFORE, Plaintiff prays for judgement on Count I of her Petition for Damages against Defendant Schneider Electric for such damages as are fair, reasonable, and in excess of twenty-five thousand dollars (\$25,000), together with interest, costs and such other and further relief as this Court deems just and proper.

COUNT II: NEGLIGENCE AGAINST DEFENDANT DAVID WAREN

COMES NOW Plaintiff Skylar D. Koontz, by and through counsel, and for Count II of her Petition for Damages, hereby states and alleges as follows:

16. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 15 above as if fully set forth herein.

17. That the Defendant Waren owed Plaintiff a duty to operate his vehicle with the highest degree of care, but Defendant Waren failed to do so and was therefore negligent, reckless, and careless in the following respects:

- a. Defendant Waren failed to operate the 2017 Ford Fusion motor vehicle in a careful and prudent manner;
- b. Defendant Waren failed to failed to exercise the highest degree of care when he knew, or should have known, that there was a reasonable likelihood of a collision in time to thereafter have stopped, swerved, or slackened speed, but Defendant Waren failed to do so;
- c. Defendant Waren was following Plaintiff's vehicle too closely and was unable to slow or stop in time to avoid colliding with the rear of Plaintiff's vehicle.
- d. Defendant Waren was distracted and or inattentive as he was operating the motor vehicle; and
- e. Defendant Waren drove the front of Defendant Schneider Electric's vehicle into the rear of Plaintiff's vehicle.

18. That as a direct and proximate cause of Defendant Waren's negligence, Plaintiff has suffered personal injuries including but not limited to her head, neck, back and has experienced migraines, fatigue, sensitivity to light, mood swings, and difficulty with concentration together with pain and suffering, mental anguish, medical costs, loss of sleep, and loss of enjoyment of life, said injuries being permanent, progressive, and continuous in nature.

19. That as a further direct and proximate result of Defendant Waren's negligence as set forth above, Plaintiff incurred medical expenses and treatment and is reasonably certain to incur future additional losses as well as ongoing pain and suffering.

WHEREFORE, Plaintiff prays for judgement on Count II of her Petition for Damages against Defendant Waren for such damages as are fair, reasonable, and in excess of twenty-five thousand dollars (\$25,000), together with interest, costs and such other and further relief as this Court deems just and proper.

JURY TRIAL DEMAND

Demand is hereby made for trial by jury in this case.

Respectfully Submitted,

WELCH & WEBB, LLC

/s/ Pamela J. Welch

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